

BEFORE THE MISSOURI REAL ESTATE COMMISSION

MISSOURI REAL ESTATE COMMISSION)	
)	
Petitioner,)	
)	
v.)	No. 15-1583RE
)	
)	
ANN GODI)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

On or about March 9, 2016, the Administrative Hearing Commission entered its Default Decision in the case of *Missouri Real Estate Commission v. Ann Godi*, No. 15-1583RE. In that Default Decision, the Administrative Hearing Commission found that Respondent Ann Godi's real estate broker license (license no. 1999005864) is subject to disciplinary action by the Missouri Real Estate Commission ("Commission") pursuant to § 339.100.2(15), (16), and (19), RSMo.¹

The Commission has received and reviewed the record of the proceedings before the Administrative Hearing Commission including the properly pled complaint and the Default Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 339.100.3, RSMo, the Commission held a hearing on June 8, 2016, at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri, for the purpose of determining the appropriate disciplinary action against Respondent's license. All of the members of the Commission were present throughout

¹ All statutory references are to the Revised Statutes of Missouri 2000, as amended, unless otherwise indicated.

the meeting. Further, each member of this Commission has read the Default Decision of the Administrative Hearing Commission. The Commission was represented by Assistant Attorney General Craig Jacobs. Respondent having received proper notice and opportunity to appear did not appear in person or through legal counsel. After being present and considering all of the evidence presented during the hearing, the Commission issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Commission hereby states:

I.

FINDINGS OF FACT

1. The Commission is an agency of the state of Missouri created and established pursuant to § 339.120, RSMo, for the purpose of licensing all persons engaged in the practice as a real estate broker or salesperson in this state. The Commission has control and supervision of the licensed occupations and enforcement of the terms and provisions of §§ 339.010-339.205 and 339.710-339.855, RSMo.

2. The Commission hereby adopts and incorporates by reference the properly pled Complaint and the Default Decision of the Administrative Hearing Commission in *Missouri Real Estate Commission v. Ann Godi*, Case No. 15-1583RE, issued March 9, 2016, in its entirety and takes official notice thereof.

3. The Commission set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion. Respondent failed to appear in person or through legal counsel at the hearing before the Commission

4. This Commission licensed Respondent Ann Godi as a real estate broker, license number 1999005864. Respondent's broker license was not current at all times relevant to this

proceeding. On December 13, 2014 Respondent's broker license was suspended by operation of law pursuant to Section 324.010, RSMo.

II.

CONCLUSIONS OF LAW

5. This Commission has jurisdiction over this proceeding pursuant to §§ 621.110 and 339.100, RSMo.

6. The Commission expressly adopts and incorporates by reference the properly pled complaint and Default Decision issued by the Administrative Hearing Commission dated March 9, 2016, in *Missouri Real Estate Commission v. Ann Godi*, Case No. 15-1583RE, takes official notice thereof, and hereby enters its conclusions of law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Default Decision dated March 9, 2016, Respondent's real estate broker license, number 1999005864, is subject to disciplinary action by the Commission pursuant to § 339.100.2(15), (16), and (19), RSMo.

8. The Commission has determined that this Order is necessary to ensure the protection of the public.

III.

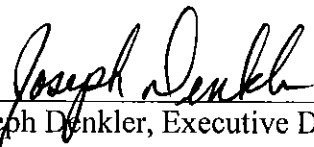
ORDER

Having fully considered all the evidence before the Commission, and giving full weight to the Default Decision of the Administrative Hearing Commission, it is the **ORDER** of the Commission that the real estate broker license of Ann Godi (license no. 1999005864) is hereby **REVOKED**. All evidence of Respondent's licensure shall be immediately returned to the Commission within 30 days of this Order along with a Closing of a Real Estate Brokerage/Sole Proprietorship form, if Respondent has not already done so.

The Commission will maintain this Order as an open, public record of the Commission as provided in Chapters 339, 610 and 324, RSMo.

SO ORDERED, EFFECTIVE THIS 17th DAY OF June, 2016.

MISSOURI REAL ESTATE COMMISSION



Joseph Denkler, Executive Director

Before the
Administrative Hearing Commission
State of Missouri



REAL ESTATE COMMISSION
Petitioner,

vs.

ANN GODI
Respondent.

No. 15-1583 RE


DEFAULT DECISION

On October 14, 2015, Petitioner filed a properly pled complaint seeking to discipline Respondent. Respondent was served with a copy of the complaint and our notice of complaint/notice of hearing by certified mail on December 11, 2015.

More than thirty days have elapsed since Respondent was served. Respondent has not filed an answer or otherwise responded to the complaint.

In accordance with § 621.100.2, RSMo (Supp. 2013), we enter a default decision against Respondent establishing that Petitioner is entitled to the relief requested in the complaint. This default decision shall become final and may not be set aside unless a motion is filed with this Commission within thirty days of the date of this order establishing good cause for not responding to the complaint and stating facts constituting a meritorious defense.

SO ORDERED on March 9, 2016.


BRETT W. BERRI
Commissioner

FILED

OCT 14 2015

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

MISSOURI REAL ESTATE
COMMISSION
3605 Missouri Boulevard
P.O. Box 1339
Jefferson City, MO 65102,

Petitioner,

v.

ANN GODI
1149 Woodgate Avenue
Saint Louis, MO 63122
Telephone: (314) 822-4486

Respondent.

Case #

COMPLAINT

Petitioner, the Missouri Real Estate Commission ("MREC"), by and through the Attorney General of the State of Missouri, and for its cause of action against Respondent, states the following:

1. The MREC is an agency of the State of Missouri, created and established pursuant to Section 339.120, RSMo,¹ for the purpose of executing and enforcing the provisions of Chapter 339, RSMo, Real Estate Agents, Brokers, Appraisers, and Escrow Agents.

¹ All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

2. Respondent, Ann Godi ("Godi"), holds a license as a real estate broker, license no. 1999005864, which expires on June 30, 2016.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045, and 339.100, RSMo Cum. Supp. 2013.

4. Godi received a notice dated September 17, 2014 from the Department of Revenue ("Department") that she has an outstanding balance due on her 2009 Missouri Individual Income Tax returns. The notice informed Godi that her professional license would be suspended pursuant to § 324.010 RSMo, if by December 6, 2014, she did not make satisfactory arrangements with the Department for payment of the balance due, pay the amount in protest, or inform the Department that she will contest the amount due.

5. On December 13, 2014, Godi's real estate license was suspended.

6. On December 16, 2014, the MREC sent a letter to Godi at 1149 Woodgate Avenue, Saint Louis, MO 63122, her address registered with the MREC, informing her that her license had been suspended by operation of law, and requesting that she must return the license to the MREC within ten (10) days.

7. On February 5, 2015, the December 16, 2014 letter was re-sent to Godi as a second request.

8. Godi has failed to surrender her license as requested by the MREC since her suspension began on December 13, 2014.

9. Section 324.010, RSMo Cum. Supp. 2013, states in part:

All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to . . . chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. . . .

10. Section 339.100.2, RSMo Cum. Supp. 2013, provides in relevant part:

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered

his or her individual or entity license for any one or any combination of the following acts:

.....

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

.....

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings demonstrates bad faith or incompetence, misconduct, or gross negligence[.]

11. Cause exists to discipline Godi's license pursuant to § 339.100.2(15), RSMo Cum. Supp. 2013, because Godi has failed to respond in writing to the MREC's written requests or inquiries, in violation of 20 CSR 2250-8.170(1), which provides in relevant part:

Failure of a licensee to respond in writing, within thirty (30) days from the date of the commission's written request or inquiry, mailed to the licensee's address currently registered with the commission, will be sufficient grounds for taking disciplinary action against that licensee.

12. Cause exists to discipline Godi's license pursuant to § 339.100.2(15), RSMo Cum. Supp. 2009, because Godi has failed to surrender her license, in violation of 20 CSR 2250-8.155(2)(A)(3), regarding Closing a Real Estate Firm, which provides in relevant part:

(2) Revocation/Suspension

(A) Individual Broker or Corporation, Partnership, or Association. Upon the revocation or suspension of an individual broker, corporation, partnership, or association, the individual broker or designated broker shall—

.....

(3) Notify all licensees associated with the brokerage of the revocation/suspension and return all licenses held by the broker to the commission[.]

13. Section 339.040, RSMo Cum Supp. 2013, establishes the criteria that must be established to hold a real estate broker's license and states, in relevant part:

1. Licenses shall be granted only to persons who present...satisfactory proof to the commission that they:

.....

(3) Are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public[.]

14. Godi's failure to respond to multiple letters and failure to return the license is evidence that Godi is not competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public. Therefore, there would be grounds under § 339.040.1, RSMo Cum. Supp. 2013, for the MREC to deny a license to Godi, and thus provides cause for discipline under § 339.100.2(16), RSMo Cum. Supp. 2013.

15. Godi's conduct, as alleged in this Complaint, constitutes untrustworthy, improper, and/or fraudulent business dealings and/or demonstrates bad faith, incompetence, misconduct, and/or gross negligence, providing cause for discipline under § 339.100.2(19), RSMo Cum. Supp. 2013.

WHEREFORE, Petitioner prays this Administrative Hearing Commission to conduct a hearing in this case pursuant to sections 621.015 to 621.205, RSMo, and thereafter issue its findings of fact and conclusions of law that the Petitioner may discipline Respondent Ann Godi's real estate broker license under Chapter 339, RSMo, and the regulations promulgated thereunder.

Respectfully submitted,

CHRIS KOSTER
Attorney General


Craig H. Jacobs

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